

REMARKS/ARGUMENTS

Claims 1-19 are pending in the captioned application. In view of a species restriction, claims 5 and 13 has been withdrawn as related to non-elected species.

Applicants hereby amend claims 1, 2, 9, 10, 14, 15 and 19 and cancel claim 8.

Applicants respectfully request reconsideration and allowance of the claims in view of the following arguments.

Applicants first submit that in an effort to expedite prosecution, the claims have been amended. Specifically, claims 1 and 2 have been amended to clarify the claimed invention. Dependent claims 9, 10, 14, 15 and 19 have also been amended as well. The amendments are fairly based on the specification and do not introduce new matter. See Figure 3 and page 18, lines 10-32.

The claims stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully disagree.

The claims are rejected because the Examiner regards unclear the recitation in claims 1 and 2 of “chemical modulators having known and unknown function”. In response, Applicants submit that the claims are directed to a method for determining the function or effect of an effector or a chemical modulator, i.e., to assign function to the compounds tested. The specification clearly defines the modulator as “a chemical moiety with biological function or activity” (page 7, line 5). Therefore the functions here refer to biological functions. While some of the modulators may have been studied previously and thus have certain known function, for others the function is unknown. In any event, the assay would work whether or not the function of a

particular modulator is known. Thus, Applicants submit that the expression is clear and not ambiguous.

The claims are also rejected for other unclear expressions. In response, Applicants have amended the claimed to clarify each of the points raised by the examiner. Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112 rejections.

The claims stand rejected under 35 U.S.C. §102(b) as being anticipated by Thastrup (WO 98/45704). Applicants respectfully disagree.

In response, Applicants submit that Thastrup teach methods for assaying molecular functions, but on an individual molecule level. In contrast, the claimed invention relates to assays of libraries of effectors and chemical modulators. Applicants submit that this is not at all disclosed or suggested by Thastrup. Thus, Applicants submit that the claims are not anticipated by Thastrup and the 35 U.S.C. §102(b) rejection should be withdrawn.

The claims are also rejected under 35 U.S.C. §103(a) as being unpatentable over Thastrup in view of Bastiaens (WO 00/08054). Applicants respectfully disagree.

In response, Applicants submit that, as discussed above, Thastrup does not teach methods for assaying molecular functions of libraries of effectors and chemical modulators. Bastiaens does not add anything in this respect. Thus, Applicants submit the combination does not render obvious the pending claims.

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Applicants respectfully assert that the claims are in allowable form and earnestly solicit the allowance of the claims 1-7, and 9-19.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

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